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ABSTRACT

In this volume of digests of the major proceedings of the Ninth Annual Washington Meeting of the Council on the Big City Boards of Education, the keynote address focuses upon the quality of education, the funding of public schools, desegregation, and the overall problem of state and local finances. Other papers discuss the following topics: federal control, bilingual education, education for the handicapped, accountability and parental involvement, and federal allocation of resources. (Author/AM)

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The Impact of Federal Legislation And Regulations on Big City Schools

Ninth Annual Washington Meeting Reporter

Washington, D.C. **June 20-22, 1976**

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EDUCATION & WELFARE
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About the Council

Organization

Recognizing the unique responsibilities of public school board members serving the nation's largest cities, the Board of Directors of the National School Boards Association in January 1967 authorized a special committee known as the NSBA Council of Big City Boards of Education. A nine-member steering committee composed of big city board members was elected on April 22, 1967 during the proceedings of the 27th Annual NSBA Convention in Portland, Oregon. The Council membership consists of school boards serving communities with core city populations of 300,000 or more. The chairman of the Council is an ex officio member of the NSBA Board of Directors.

Purpose

The Council exists to enable school board leaders to gather information, develop recommendations, and take appropriate action to improve the quality and equality of education provided in densely populated cities containing widely varying kinds of people with diverse and heterogeneous backgrounds.

Program

Through its subcommittees and staff, the Council uses conferences, workshops, publications, newsletters, consulting services, telephone contacts, and other committees to improve board members' own policymaking effectiveness. In conjunction with the NSBA Board of Directors, the Council serves as a vehicle for bringing urban board members and their viewpoints before federal officials and members of Congress.

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The Steering Committee speaks. . .

Paul English, Chairman

Neil H. Geier, Jr.

Jo Brown, Past Chairman

and listens. . .

Left to right: members Mary Warner, Vickie Donaldson, and Javier Montez

Left to right: Vice-Chairman George H. Brown, Jr., and members Marcia Long and Grover L. McCrea, Jr.

Foreword

Each year since 1968, the Council has convened a meeting in the nation's capital to focus on the problems, concerns, and major contemporary issues in urban education. The Council, established in January 1967, exists for the purpose of enabling school board leaders to gather information, develop recommendations, and take appropriate actions to improve the quality and equality of education provided in densely populated cities containing widely varying kinds of people, including the deprived, the discouraged, and the desperate. The Council's program includes the use of conferences, workshops, publications, newsletters, consulting services, telephone contacts, and committees to improve the board members' own policymaking effectiveness. In conjunction with the NSBA Board of Directors, of which the chairman of the Council is an ex-officio member, the Council serves as a vehicle for bringing urban board members and their viewpoints before federal officials and members of Congress.

This volume represents a digest of the major proceedings of the Ninth Annual Washington Meeting of the Council. It was written by Kay Kouroupas, Technical Editor, NSBA Consulting Services Department. Additional editorial assistance was provided by other members of that department.

The program was planned by the Council's 1975-76 subcommittee on programs. Its membership was: Paul English (Oklahoma City), Chairman; Pat Frank (Tampa); John Gallagher (Cleveland); Grover McCrea (Baltimore); Ossie Ware Mitchell (Birmingham); Shirley Stolarski (Buffalo); and Ex-Officio Members Jo Brown (Wichita), Chairperson of the Council, and Dr. Jeremiah Floyd (NSBA staff).

"The Impact of Federal Legislation and Regulations on Big City Schools" was selected as the general theme for this annual Washington meeting. The views, opinions, and recommendations of those who made presentations have been summarized and appear here. In many instances direct quotations have been included.

We believe that these matters are vitally important to the planning process of improving Big City educational policies and practices. This rationale above seemed sufficient to warrant the publication of these Proceedings. We therefore take pleasure in providing a record of this meeting for the benefit of those who attended and for distribution to those who could not.

Sincerely,

Jeremiah Floyd, Director
Institute Division, NSBA
and Secretary to the Council

OVERVIEW

Big City Boards Acquire Insights, Skill for Working with Washington

Some 70 school board members and officials representing big cities throughout the country gathered June 20 to 22 in the nation's capital this bicentennial year for a look at "The Impact of Federal Legislation and Regulations on Big City Boards.

Birmingham and San Diego were there. Kansas City, Denver, Chicago, and Louisville were there. So were Baltimore and Boston and others. A cross-section of the bigger cities and, of course, the bigger problems.

The City of Washington was decked out for the bicentennial. The crowds were arriving. So was the hot, humid weather. The cool comfort of the Washington Hilton insulated participants from the heat and festivities outside, but not from the issues they were there to study and discuss.

Paul English, Council chairman, set the tone for the intensive three-day session in his remarks at the Sunday evening opening session: "Time is of the essence...I feel a sense of urgency about the matters which face us." Some of these matters as expressed by Congressman Paul Simon (D-Ill.) in the keynote address concern the quality of education, the funding of public schools, desegregation, and the overall problem of state and local finances.

Harold Webb, executive director of NSBA, brought the underlying conference theme into focus when he spoke at Monday's first general session. That theme: federal control. He warned that federal regulations were eroding the control of local schools by local boards of education. Admitting to the need for certain federal controls, he said: "It is in the interest of the bureaucrats to write regulations that are both defensible at law and workable in a practical sense....But too often, writing regulations offers bureaucrats a chance to give their own prejudices the force of law." Local boards and particularly big city boards, he said, must contribute their experiences to the regulations process so that a balance can be struck between federal needs and local needs.

The plea for big city boards to get involved, especially in the legislative process where it all begins, was reiterated throughout the conference by all speakers.

Martin Gerry, Office for Civil Rights director, discussing Lau v. Nichols and bilingual education, suggested that board members meet with OCR and the Office of Education to talk about the educational issues involved in such cases in a nonthreatening and nonlegalistic climate.

Fred Weintraub, Council of Exceptional Children, outlined federally required "conditions of adequacy" which schools must meet in educating handicapped children. One of his main points: "Education for handicapped children is no longer a charity--it's a right."

At the big city board luncheon, Bernard Watson, Temple University, Philadelphia, spoke about the responsibility of board members to the children, especially to poor children, and the need for accountability and parent involvement.

After the luncheon, Council members were sped by bus to the U.S. Office of Education for a series of briefings on Title I, vocational education, education for the handicapped, ESAA, and bilingual education.

Monday's concentrated program was capped by a Council dinner and an address by David Lissy, associate director of the White House Domestic Council. Lissy exhorted Council members to take part in the legislative process as a solution to some of their problems. School districts receiving federal money, he said, can expect to be regulated in ways by the federal government ("the federal government isn't going to put out $3 billion plus a year for education without having some control over how it's spent"), but local boards can have a say in how those regulations are written. Lissy also reminded Council members that when they deal with "Washington" they are dealing with people who are no different from people in their own communities.

During Tuesday's third and final general session, big city board members turned their attention to the people they represent. The speakers were Jean Dye, legislative coordinator of the National Congress of Parents and Teachers, and Carl Hines, a member of the Jefferson County (Louisville, Ky.) Board of Education. Both spoke of the responsibility of school boards never to forget that first and foremost they represent the children who attend their schools. Said Hines: "We have to look into the future to see whether or not the ultimate results of decisions we make affect children in an adverse way." Jean Dye suggested that children could be better represented by local boards if boards supported and encouraged organizations like the PTA. "These organizations are needed," she said, "to bring together the people--parents, citizens, and taxpayers--who support the schools."

As board members checked out of the convention hotel to leave Washington and return to other big cities, many expressed satisfaction with their new insights into federal aid and controls and vowed determination to go back home and use the voice of the "big city board" to more purpose in the development of federal laws and regulations affecting the schools.

Note: Detailed reports of talks and discussions at the various sessions are presented on pages 5 to 22.

Realities and Predictions on Capitol Hill: Simon

OPENING SESSION
Sunday, June 20, 1976 - 7:30 p.m.

Presiding: Paul English, Council Chairman
Welcome and Introductory Remarks: Paul English
Introduction of Speaker: Ms. Jo Brown, Immediate Past Chairman of the Council

Address: The Honorable Paul Simon
United States House of Representatives
Illinois 24th District

Congressman Paul Simon, of the House Education and Labor Committee, took a realistic, no-illusion look at Congress and education in the keynote address of the meeting:

"The first reality we all must face is that an aura of cynicism is everywhere about us. This is going to affect the product that comes from Congress. Cynicism is there in education also."

According to Simon, cynicism is not a new phenomemon; however, "...there is no question that the Vietnamese war, Watergate, the sex scandals--a variety of things--have heightened this feeling of cynicism on the part of the public. This is reflected in the political campaign. The anti-government, anti-Washington, inward-looking kind of campaign being carried on by both political parties suggests that there is not likely to be great movement in education in the near future....I hope I'm wrong." Simon disagrees with the movement to hold the status quo: "The question" he says," is not whether there is government growth; the real questions are: "Who is government going to serve? And, are we going to use the tools of government to meet the problems of our society?

"Second is the concern about the ultimate product." In his admittedly limited teaching experience, Simon said he was amazed to find that some students can't even write sentences. "We have to make sure we're not just processing young people through school but that we're actually giving them the tools they need in our society....I have seen the potential and what can be done, and we have to do it.

"Another area that unquestionably is going to be getting much more attention in the future is continuing education. Exactly where we're going I'm not sure, but the Congressional subcommittee on higher education feels very strongly that continuing education needs a great deal more emphasis in the future.

"I also believe that we will gradually move away from our excessive reliance on real estate taxes as a source for educational funding. I'm not talking about eliminating those taxes, but gradually moving away....I personally find 1/3 federal, 1/3 local, 1/3 state funding attractive because it does not make local school districts totally dependent on any one form of government, and it continues substantial local funding....As long as we rely

on real estate taxes we penalize the poor....These are also regressive taxes--they do not encourage people to improve their property....

"There's going to be a lot of oratory on busing--but nothing much is going to happen." Simon tied the oratory into the current political campaign. He is opposed to Constitutional amendments regarding busing and doesn't think that any Constitutional amendment will pass Congress. While he says busing is not the answer for every community, he sees it as a tool needed by courts and school boards. Using Chicago and East St. Louis as examples, Simon stated that cities must have a broader geographical base to face their problems. "But I don't see any inclination whatsoever right now in Congress to recognize this reality.

"One small thing which could become significant relates to the Helsinki Agreement." As a member of the House commission monitoring the agreement, Simon noted that it requires the 25 signing nations to spend more educational energy and resources on foreign languages. As yet nothing has been done to implement the provision, but Simon's guess is that the next few years will see federal funding for foreign languages.

"There is a concern about the finances of state and local governments in Congress," Simon said. "The problem is that an increasing percentage of the tax dollar is going for interest rather than goods and services; that indebtedness is piling up. I would not be surprised if there were some kind of move for federal incentives, say for an incentive award to local and state governments if they do not increase indebtedness except for capital construction.... This move won't be this year, but down the pike a little."

Simon concluded his address by urging attention beyond educational issues. "You cannot separate the problems of the schools from the problems of society in general." He directed big city boards to note two all-pervading current problems of society which affect the schools:

"The one is concern about the movement of population in the nation." Simon alluded to Vance Packard's book A Nation of Strangers and the theory that a highly mobile society leads to the instability of society. He suggested monetary incentives be given to families not to move in order to help stabilize neighborhoods and to halt the resulting student turnover in schools.

"The other area of concern is the simple matter of jobs. High unemployment is a destabilizing factor in education and everything else. We're going to spend $19.4 billion for unemployment compensation. What if we had one third of that to use in education? What an infinitely richer country we would be."

In the question and answer period which followed his address, Simon urged school board members to speak up to their congressmen and governors who talk "irresponsibly" and reminded them that they are on the cutting edge of what is a really vital area if this nation is to live up to its ideals and hopes.

Future Thrusts, Federal Agencies, and the Price of Liberty: Webb

GENERAL SESSION I, PART 1
Monday, June 21, 1976 - 9:00 a.m.

Presiding: Paul English, Council Chairman
Introductory Remarks: Dr. Harold V. Webb, Executive Director, NSBA
"NSBA: Future Thrusts and Federal Agencies"

Introduction of Speaker: Ms. Vickie Donaldson, Member, Steering Committee

Speaker: Martin H. Gerry, Director, Office for Civil Rights, U.S. Department of Health, Education, and Welfare
"OCR Compliance Review: Lau"

Reactors: T. Page Johnson, Principal, Oakton High School, Vienna, VA. and Dr. Paul C. Kennedy, Member, Board of Education, Omaha, NE.

"Cynicism is an unavoidable part of the way we in modern times live. But if we drop the pose of cynicism, we can see that the system does work; painfully slow that it may be, our government does move ahead."

With these words, NSBA's executive director Harold V. Webb challenged big city board members to step out of the cynic's seat and into active co-operative work to make big city schools and all of public education better.

"There's no need for disillusionment," Webb pointed out. "Boards of education working with NSBA and its members are making their influence felt in Congress. They have affected legislation to the advantage of schools in the areas of impact aid, collective bargaining, unemployment compensation, and education for the handicapped. Much more work must be done.

"Today the tradition of local control is threatened on every level.... But no conspiracy is under way. No group is trying to pull down the public schools. No, the threat originates with people of utmost good will, people whose intentions are entirely generous and whose means are totally mistaken."

What exactly is happening? Webb explained: "The States and Congress in their benevolence to do what is right by all children have devised educational policies in greater and greater detail, enacting them into law, and thereby ursurping the rights of local school boards who are legally and traditionally responsible for public education." He cautioned big city board members that administering agencies, taking their cue from Congress, erode the rights of local school districts through the system of federal regulations. This, he said, must be fought continually.

Referring to legitimate and necessary laws, such as the laws on access to records, equality for women and minorities, and education for the handicapped and disadvantaged, Webb stated, "we supported and will continue to

support every one of them. What we cannot accept are the nagging and costly demands made upon us, and the implication that our local units of government are too immature, too unprofessional, too lacking in psychological and sociological insight to know what is good for our children and workable within our resources."

Webb concluded: "The government envisioned in the Declaration of Independence and given shape by the Constitution is rooted in local institutions and takes its legitimacy from the consent of the governed. It takes its legitimacy from you and from me and from the local institutions we choose to create, whether in wisdom or foolishness, to give substance to the Revolutionary vision. It is in this spirit that we should turn to the work of our conference and of the months ahead. This work is nothing less than another exercise of that vigilance which guards liberty."

Perspectives on Lau v. Nichols

Let's Have Fewer Confrontations On Bilingual Education: Gerry

The Background

The Civil Rights Act takes its basic power from the 14th Amendment of the U.S. Constitution which prohibits the denial of equal protection under the law. The fifth paragraph of this Amendment specifically grants to Congress the power to carry out its provisions.

Title VI of the Civil Rights Act of 1964 addressed itself to discrimination against race, color, and national origin, and was intended chiefly for the recipients of federal financial assistance--a superlegalistic term which translates into virtually all public elementary and secondary schools, most public and private colleges and universities, and many other agencies--in all about 70,000 so-called recipients. The original purpose of this act was to correct racial discriminatory situations in the Southern schools.

The Office for Civil Rights, charged with administrating Title VI, issued to school districts in May 1970 a memorandum (authored by Martin Gerry) specifically prohibiting discrimination on the basis of national origin. It was this memorandum on which the Supreme Court based its findings in the case of Lau v. Nichols, holding that it was a logical extension of the authority of the executive branch under Title VI. This decision required the San Francisco School District to provide bilingual education for children who spoke little or no English. Effects of the decision were widespread, as well as widely misunderstood.

* * *

Prefacing his talk with the above historical background, Martin Gerry, director of the Office for Civil Rights, launched into discussion of Lau v. Nichols and what compliance really means.

"Compared with school segregation, compliance with the principles in Lau v. Nichols is a much more complicated problem and a more difficult area for policy articulation. The history of Southern school segregation in terms of court standards is a history of clearer and clearer articulation by the courts of requirements...and these at least have some computational background. One can look at pupil assignments to schools and make a judgment as to the racial assignment pattern. The courts have increasingly taken a results-oriented look in student segregation cases, saying that it's a question not of method but of results--what realistically works is what school districts are permitted to use.

"In Lau v. Nichols the Supreme Court was asked to decide whether or not Chinese-speaking children in the San Francisco School District had a right to some type of special instructional program because those children were clearly not going to be able to profit from the regular instructional program. These children, about 3,500, were being taught in English but they understood little or no English.

"Also, Lau v. Nichols is curious because a trial was never held with respect to whether or not San Fransisco was violating Title VI. It took place because the matter was raised to the Supreme Court on a motion to dismiss the complaint. The Court was asked to decide whether or not under the Constitution the school district had an obligation to be accountable for the education of children with different linguistic backgrounds. The Court decided the district did, basing its decision on the May 1970 memorandum from the Office for Civil Rights. There were no Title VI findings with respect to the San Francisco School District, so it's a historical anomaly that the Supreme Court should in this particular case not only hold that the law applied to San Francisco but that San Francisco had actually violated the law.

"The law at this point, then, is very clear that there is an obligation, a responsibility, on the part of local school districts to identify children who may be denied equal education opportunity because of language incompatabilities and to remedy that problem."

Gerry explained that the complexity of the law grows with respect to what school districts should be required to do in order to effect a remedy. "This involves educational strategies--an area of the most serious concern. The Court in the Lau case remanded the remedy to the United States District Court in San Francisco, which seemed to approve implicitly if not explicitly an educational plan which was developed by the school board in conjunction with local citizen groups. The trend of subsequent district court decisions has been to place responsibility on local school districts to develop bilingual or multilingual programs."

Gerry went on to discuss the HEW task force findings. These were issued in 1974 in response to requests by school districts and state education agencies for HEW to come forward with a general statement which would guide school districts in developing plans that would meet with compliance. The findings state in part that school boards should examine current practices in their districts in order to assess compliance, and if they determine that compliance problems exist, they should immediately communicate in writing with OCR and indicate steps being taken to remedy the situation.

As director of OCR, Gerry is beginning to change the OCR investigative process in order to avoid formal investigations and confrontations which he

believes have led to a polarizing situation between government and local school officials. "One step is to set up compliance programs which permit self-execution, so that local agencies may carry out the responsibilities themselves and not wait for the intervention of the federal government....I've noted in dealing with school officials and board members that often there are good educational decisions made which would be consistent with the standards. They don't need to be viewed as civil rights actions, but as good educational practice. It is invariably easier for school officials to present and take actions of an affirmative nature when the people making the plans execute them."

The second thing Gerry wants to do is to stop what he regards as the overly legalistic and bureaucratic exchange of letters between the federal government and school districts. This has been created partly by the courts and partly by the bureaucracy: "An exchange of public letters in my experience has been perhaps the single most disfunctional aspect of the compliance resolution process because the letters invariably pit the Department and the person being regulated in a posture of two parties in an adversary relationship."

In Gerry's opinion the formal investigation route also acts as an "economic recovery program" for lawyers. Gerry remarked: "School boards have to turn to lawyers who immediately inject themselves into the process, saying, 'If we don't get in there now you're going to make terrible mistakes; you're going to give away more than you have to, and you're going to have to negotiate, etc.'"

Gerry proposed that the National School Boards Association, the Office for Civil Rights, and the Office of Education put together a series of community seminars and meetings to talk about Lau v. Nichols and the educational issues involved--not about compliance per se--to create a nonthreatening, nonlegalistic climate in which to discuss the educational issues. This would stimulate public understanding and create community support for the programs.

Martin Gerry saw no simple solution to the situation. He stated that the primary responsibility lies with local school districts: "I would propose meetings with school boards and school officials about compliance on an informal basis where people would discuss the issues and get their questions answered."

OCR Director Martin H. Gerry

NSBA Executive Director Harold V. Webb

What Schools Must Do for Handicapped Children: Weintraub

GENERAL SESSION I, PART 2
Monday, June 21, 1976 - 10:45 a.m.

Presiding: Paul English, Council Chairman
Introduction of Speaker: Javier Montez, Member, Steering Committee

Speaker: Frederick J. Weintraub, Asst. Exec. Dir. for Governmental Relations, Council of Exceptional Children, Reston, Va.
"Handicapped Students: What Compliance Demands for School Districts"

Frederick Weintraub is a champion of handicapped children. He called on school districts to discard attitudes of the past and face up to their responsibility for meeting "conditions of adequacy" for the education of handicapped youngsters. He explained:

"In the past the kind of education handicapped children received depended on the charity of the schools and state. 'Whatever we can do for handicapped children is a nice gesture--a nice thing.' This was the attitude. But in five years a lot has happened. Education for handicapped children is no longer charity--it's a right."

This change from "charity" to "right" came about by court action. In 1971 a group of parents of mentally retarded children went to court claiming that their children were not receiving an equal education, and that this violated the equal protection clause of the 14th Amendment. The court supported the parents' claim using the basic logic of Brown v. Board of Education, 1954, which said that "...where the state has undertaken to provide education for some of its citizens, it must provide education for all of its citizens."

It took 20 years to apply this logic to handicapped children, Weintraub pointed out, but now as a result of several court decisions, P.L. 94-142, and the Rehabilitation Act (which says that handicapped children shall not be discriminated against by virtue of their handicap under any program receiving federal assistance), local school districts must provide proper educational services to handicapped children.

Weintraub outlined the following "conditions of adequacy" for education of the handicapped as legally required:

1. Zero Reject - The school system (state and local school district cooperatively) must assure that no child because of a handicapping condition is excluded from an opportunity to participate in free public education. "This does not mean that any child no matter how handicapped is going to go to P.S. 147 or Happyland Elementary School. It means that education must reach out to that child and provide him with appropriate instruction. The concept of education then becomes a process of delivering educational services wherever a child may be. This in many cases requires a partnership between the state and

local school district. In the past the children often fell in the crack between the jurisdictional authority of different agencies--each would say 'that's not my responsibility.' Public Law 94-142 consistently (and consistent with the courts) says that education as a system must assure that the educational rights of children are met. Local school systems because they are the point of entry must therefore assume primary responsibility for all children within their jurisdiction. Keeping the base of responsibility local insures that the child will not fall into the jurisdictional crack. But the local system does not have to be the provider of all the services."

2. Free - Education for handicapped children must be free public education. "In the past schools would say to parents 'Why don't you send your child over to such-and-such private school and we will pay so much per year.' The cost was usually much higher, and parents had to pick it up. This was discriminatory--poor parents were not able to put their children into private schools. The courts have said that where the state and school districts use private schools as a means to carry out their public responsibility, it must be free of cost. That's different from a school district providing an opportunity and parents deciding on their own that they want to place their child in a private school."

3. Least restrictive - Handicapped children should be placed in programs that are as close to normal as possible and yet appropriate to their needs. "There should be a continuum of services available; however, each step in this continuum may be more or less restrictive, but as least restrictive as possible to meet the child's needs. This does not mean that special classes, special schools, resources rooms are wrong. It means that the decision to place a child in a special setting requires conscientious thinking in terms of what is appropriate for the child and not in terms of what is administratively convenient."

4. Individualization - The needs of individual children must be met. "There is a basic philosophical assumption that all blind children, all deaf children, all retarded children are alike. That assumption has been followed by school districts--a program for the blind, a program for the deaf, and so forth. The reality is that all handicapped children are different. School districts must now move to the system outlined in P.L. 94-142 and make decisions based upon individual needs. This may require an individualized program. For a youngster in a wheelchair, it may require getting rid of some stairs."

5. Procedurally fair - Parents and children have the right to due process of law following a district's decision to place a child in a special program. Requirements include (1) advance written notice to parents in the language of the home informing them of the proposed action and their right to a hearing; (2) a hearing conducted by an impartial party; (3) the parents' right to be represented by legal counsel; (4) indication that the burden of proof regarding the placement recommendation lies with the school district; (5) right of parents to obtain an independent evaluation of the child at public expense. "These due process requirements indirectly give schools the means to go after recalcitrant parents who are not providing for their handicapped child."

6. Someone is responsible - Above all, conditions of adequacy require placement of responsibility. "The responsibility for seeing that the handicapped child is properly educated falls jointly on the state and the local school district, with the local district carrying primary responsibility."

BIG CITY BOARD LUNCHEON:

Straight Talk About Children, the Poor, And Public Education: Watson

"If we can agree on a direction and goal, even though we disagree a lot of times on process and methodology, we can change a lot in this country, including the White House."

When Bernard Watson, professor and chairman of the department of urban education at Temple University, spoke at the big city board luncheon meeting, he laid promises and misconceptions about public education on the line. And he had big city board members on the edge of their seats, applauding. They liked his good-sense view of standardized testing, past and current inequalities in education, and the responsibility of teachers to teach. They liked the charge he gave school board members to become accountable for childrens' learning through requiring accountability on the part of the school staff and good behavior from children themselves.

Here are highlights from his talk:

About public education: "I believe in public education because it is one of the things which guarantees that the entire citizenry in this country will have a shot at participating as full citizens in the democratic political process....And it gives them the skills which are necessary to enable them to exercise control over their lives. That is enough reason for me to support public education.

About testing: "We need constantly to remind outselves when we start talking about tests and national norms--half of the people have to be below. So it doesn't make any difference if performance were doubled, you would still have half of the people above and half of the people below the national norm. Think about that when you begin to talk about quality and education. And think about some other ways of measuring the performance of young people."

"School board members and educators must remember that regardless of whether the population is urban or rural, which is where most poor people live, that the same distribution of talent and ability exists among the young."

About learning and teaching: "Now if we take a look at what we know about growth and development we know that people are the products of everything that has happened to them. Products of their experiences as they grow up, of their opportunities, of the schooling they have had. All those things shape an individual. There is no individual hidden somewhere in our body waiting to break out and grow and develop and be whatever we can be. That is a product of that foolishness and rhetoric known as 'open education.'

"I'm not opposed to open education. I've seen it done well and I've also seen it done badly. I've seen traditional education done well and done badly. But the whole notion which seems to me immobilizes a lot of educators, confuses parents, and infuriates school board members, is the notion that you don't do

(Continued on page 16)

The Honorable Paul Simon, keynote speaker

Three visiting speakers. . .

Frederick J. Weintraub of the Council for Exceptional Children

Bernard C. Watson, Chairman, Department of Urban Education, Temple Univ.

NSBA President George W. Smith with fellow San Diego Board of Education member, Dorothea Edmiston

Listeners and learners: Big City school board members from throughout the nation. . .

(Watson--continued from page 13)

anything to the child but just let the child grow, develop, and be free...as if provided we do nothing the child is going to spring full-blown as a sensate, functioning, caring, loving individual who will know how to read and write, and will love everybody. That is a world that never was and never will be.

"This modern-day version of the 'noble savage' says that the poor children of this country--well, they already have problems--these poor children shouldn't have any more pressure on them, such as making them learn how to read and write. Everybody in this room knows that is foolishness--I came from one of those homes, and I suspect that one or two other people in this room did. They taught us to read, and write, and add, and subtract, and behave. Now that can be done.

"In spite of the additional responsibility which has been placed on schools, the primary responsibility was and still is to provide for young people a grounding in the basic skills and everything else should be built on top of that."

About equal educational opportunity, past, and present: "One of the things we forget is that the public schools in this country never served the poor as they served the middle class and affluent. That is not a put-down of the American public educational system. It's a fact....We forget, even though we know it intellectually, that public education in this country served girls better than it served boys. Why? Girls were more compliant than boys until recently--the boys got interested in other things, and got feisty; their grades went down, and many dropped out of school. We forget that.

"Another thing we forget is that we have never had a single public school system in this country. What we have had is a series of public school systems geared to the socio-economic status of those who attend the schools. The more affluent the neighborhood, the better the school, the more facilities....

"We also forget something else. At the turn of the century over half of the young people never got to high school. Talk about graduating--they didn't even enter high school. And we forget that it was not until the end of World War II that we had more than half of the kids in the public school system in this country entering high school and remaining for one, two, three, or four years. So we have had a major transformation in the school population, with more and more of the poor who formerly dropped out in school remaining. At the same time we have not had a corresponding revolution which changed the way the principals and teachers dealt with the new population in the schools....We are dealing with a phenomenon we only dimly understand and may not be able to solve in three or four years since it took more than that to create the situation."

About accountability: "Let me tell you what one simple approach can be. Let's say we have a school and in this school the average daily attendance is 60%, and let's say that the cost of vandalism in that school for the past year was $35,000. Let's say that the number of serious incidents in that school that lead to expulsion or suspension is 2%. And let's say that the teachers in that building have an average number of absences which exactly equals the number of days they get in the contract every year. And let's say that the youngsters fall in the 16 percentile here, in the 10 percentile there, 10% over the median in this area, and so on. You can then say to the principal what are you going to do about it next year? And I suggest that you can negotiate with administrators and supervisors for a given percentage of improvement in each one of the indices over a twelve-month period. Once that kind of thing is put into play, you can talk to teachers about accountability.

"Let me tell you more about the kind of simple accountability I'm talking about. If a child comes into the school at point A using whatever measures you want in reading, writing, arithmetic, whatever, then after 10 months of reasonable attendance and instruction, not by 40 subs but the regular teacher, the child ought to be at point B. For certain children it may take a month, for others it may take two years, because we know how different young people are.

"Now you're not going to be able to implement that kind of accountability in one month--but that's a way those who are in charge of governance must begin to negotiate accountability with those responsible for administering and carrying out the educational process.

"Board members and parents have a perfect right to design accountability matrices, not only for teachers, but for the supervisors, administrators, counselors, and everyone else in the school system."

About childrens' behavior: "Now let me make some comments which are not going to be popular with all of you because you have to face the parents. I have not deviated from this position for eight years. When a few youngsters in school make it impossible for the majority of youngsters to learn, they have to go. You may call me a fascist if you want to...but I say that given the cost of public education, the importance of education, and the opportunities for learning that youngsters must be given, particularly the poor youngsters, there's no way to let 3% or 5% of the youngsters in the school make it impossible for the other 97% or 95% to learn. When I say that they have got to go, I don't mean to put them out in the street. We have to find some place where these youngsters can learn, where they can get the kind of attention they need, and help for the problems which prevent them from learning."

About parent involvement: "I think parents ought to be involved and I don't mean just through the school board. They must be involved at the level of the individual schools and their own children's education. That doesn't mean that school board members can abrogate their legal responsibilities to make decisions and be accountable for what happens. A kind of rapprochement between the citizens and school board members has to be developed so that you can improve understanding between those who carry out the educational programs and the parents of their clients.

"Educators must understand, and school board members recognize this, that if parents are satisfied that the school is delivering the things which they consider most important--this means reading, writing, arithmetic, and behaving--they they will again support the schools."

Among the audience from left: Priscilla Young, Ernest McGowen, Carmen Valasquez

BIG CITY BOARD DINNER:

What's Inside Washington? Many People And Too Much Human Nature—Lissy

Washington may appear capricious in the way it allocates resources and writes rules and regulations, but the federal bureaucracy is no different from the community superstructure local school board members deal with every day of their lives. So said Davis Lissy, who as associate director of the White House Domestic Council and a former executive secretary of HEW has had ample experience with federal bureaucrats.

As in the community superstructure, the primary complicating factor in the federal bureaucracy is human nature, Lissy emphasized. He discussed HEW in terms of people; many people working together, not always working for the same purpose or seeing eye to eye.

"We sometimes look at the process of government and think of it as remote from our day-to-day experience....But just as board members must deal with conflicting pressures and people who have different values and ideals in their local community, so too they must realize that Washington is no different. The same problems, different people and perceptions, conflicting needs, and scarce resources exist in Washington as exist in local communities.

"Now you're very much aware of the multitude of organizations you have in your own cities speaking for education. And yet there's a tendency to think of government as somehow monolithic. In fact, you have hundreds of Congressmen, thousands, it seems, of bureaucrats, and people in the executive branch. All these people have their individual perspectives as to how to approach a problem--and that's important to keep in mind."

Noting the frustration school people feel in dealing with various government agencies, Lissy said of his own experience with HEW: "HEW is a little bit like a bowl of jello. When you kick it in one place it doesn't move. It just quivers."

Lissy impressed upon Council members the permanent role of the federal government in education. "I think it is clear that the federal government is in the business of education to stay. It's only been about 10 years that the federal government has contributed financial resources of any significance to elementary and secondary education and now we are at about 7-8%....With that percentage, the federal government will get in your daily lives. There will be rules and regulations--the government is not going to put out money without some control over how it's spent."

The government has no desire to overburden schools with regulations nor to take over their decisionmaking rights, Lissy said. The initial focus for school officials, in his opinion, should be the legislative process. He warned that this process doesn't lend itself to precision: "People on the hill, in local legislatures, in the city council are well-motivated. But legislation is

David H. Lissy

often passed without full and careful hearing, so it's not surprising that we wind up with program regulations that are difficult to understand. Congress passed Title IX with 37 words and then expressed outrage that HEW had to write 56 pages of regulations to explain those words. The reason was that the Congress avoided all the issues in writing those 37 words."

In explaining the regulation-making process, Lissy pointed out that it involves people, especially program people who have a proprietary interest in the program. They often lose sight of the people for whom they are writing regulations. School board members, he said, can offset this by getting themselves into the act. "If you want to influence the process you have to focus on it in the same way you focus on it in your local community."

Lissy praised HEW for being available and responsive to schools. He emphasized the responsibility of school officials to indicate that "they care." He advised Council members to: (1) express their views clearly; (2) gather information; (3) get that information to the people who are going to make decisions; (4) be political in the broadest sense of the word; (5) be available.

Thomas Henderson; Annette Kearney

Green Trimble; Jack Turner

Look Homeward, Boards, For Your Power To Maintain School Control: Dye/Hines

GENERAL SESSION III
Tuesday, June 22, 1976 - 9:00 a.m.

Presiding: Paul English, Council Chairman
Introduction of Speakers: Gordon McCrea, Member, Steering Committee

Presenters: Jean Dye, Legislative Coordinator, National Congress of Parents and Teachers (PTA)
Carl Hines, Member, Jefferson County (Louisville) Board of Education
"Board Members" Who Do They Represent?"

Jean Dye and Carl Hines were in accord that the board member's first responsibility is to represent children--a responsibility becoming increasingly difficult because of power plays at local, state, and federal levels to wrest control of education away from local boards. And both, too, agreed that local school boards must look to the source of their strength--the lay public and the children they represent--if they are to retain their power and authority over public education.

Jean Dye put it bluntly: "The issue is control. The continued erosion of board decisionmaking is threatening the legal, procedural, and philosophical direct representation of the public by duly elected or appointed board members specifically charged to govern schools."

She sees teacher and other employee groups usurping parents' rights and influencing legislation which potentially threatens the historical system of lay school control. "Parents, citizens, and taxpayers are slowly but surely losing their right to have a powerful, effective voice in their children's education....Even in this new sunshine era of mandated openness and involvement, parents recognize that opportunities are diminishing for them to participate in the decisions which by law and practice are theirs to make."

Board members, she said, have traditionally been responsive to that portion of the electorate who held similar philosophical beliefs; boards were apt to be influenced by the persuasive, articulate, and ever present "squeaky wheel." This is well and good but, she emphasized, today board members must also be open to and seek out, the viewpoints of other groups, as well--the young, the disadvantaged, the highly mobile, the unpopular, the far right, the far left. The board member, she said, represents all these groups, even though that representation does not necessarily involve a warm relationship.

Jean Dye raised three questions: (1) What should citizens expect from their schools? (2) What are the emerging inroads into lay control of education? and (3) What obligations must parents and other citizens assume?

As to citizens' expectations of the schools, she said: "The school has a definite responsibility to the family. It exists as a continuation, supplement, and complement to the educational aspirations and efforts of the family. It must contribute to the maintenance of the family as a living unit."

She considers the preservation and transmission of moral and spiritual values and the promotion of good attitudes and behaviors a mutual school-family responsibility. Nationwide polls, she pointed out, indicate that parents want improved communication between school and community; improved competency of classroom teachers; and consideration of the social, physical, emotional, and academic growth of the individual child in the school program.

Who and what is eroding control of education by local school boards? Jean Dye maintains that many groups and individuals are seeking control, especially organized teachers. She believes the only way for parents to retain some say in their children's education is through supporting the school board and organizations such as the local PTA which are structured to accommodate parents' diverse viewpoints on what is best for their children.

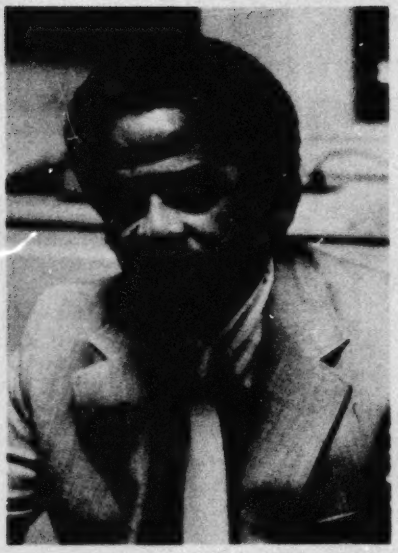
"Informed parents," she said, "understand the legal position of the school board and its four major obligations: planning, legislating, appraising, and interpreting. Parents also know that PTA's and the school boards at local, state, and national levels are the two organizations which link the public and the education profession. To work effectively, these two structured groups must understand each other's policies and programs as well as accept their natural differences." Mrs. Day urged school board members to recognize the need for strong PTA's in the community to keep together people who are supportive of school policy, practices, procedures, and tax issues.

As for parent responsibilities, the speaker stated that parents must increase their efforts in supplementing and complementing the school. "Parents must take all steps necessary to ensure that the competency of classroom teachers is stretched and expanded. Parents must insist that schools provide children with the proper skills; parents must accept responsibility for all children and not only their own. And parents must become proficient in the art of influencing local, state, and federal lawmakers."

Carl Hines laid the blame for what he calls "the steady erosion of lay control" squarely on board members themselves. "The reason for this is that many board members cannot decide whom they represent. While other groups are saying to parents and students, 'let us represent you,' board members become emotionally involved in nonacademic issues such as busing and allow this erosion of their power to continue."

Hines recognizes the pressures exerted on board members--pressures from parents, fellow board members, teachers organizations, the school administration, political groups, and local government. However, for Hines the answer has to come from internal motivation rather than external pressures. He clarified: "In my particular situation, I had to decide between doing what I felt would benefit the greatest number of children in the long run or giving in to external pressures surrounding me in the community. Essentially, it boiled down to <u>whom did I represent</u>? My answer was and still is the children.

Hines fears that other groups will profit by the adversity besetting school boards. Citing his personal experience, Hines has seen board members choosing sides and basing their actions not on what is best for the children, but on their individual philosophies. "This type of action adds fuel to the fire for others to offer themselves as the best representative of the child's interest....Because schools have been thrust into the role of society's main problem-solver in the last quarter century, school board members have been

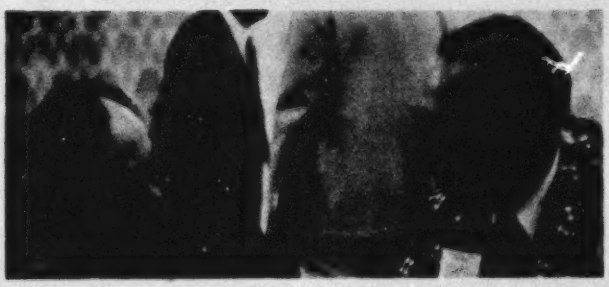


Speakers Carl Hines and Jean Dye

held responsible for curing all the social ills of society, and in attempting to do so have lost sight that their primary function is to provide a sound education program for the children.

"The local school board is a barely visible government which is considered unnecessary by many citizens and ineffective by many others. While many boards have been fairly successful with bonds, budgets, buildings, and buses, very few have seriously attempted to deal in a viable way with race, resources, and relationships. At a time when boards face becoming an anachronism, board members must resist any further erosion of power and demonstrate more responsiveness to students."

Hines reminded Council members that boards are still legally responsible for educating children. "They cannot abrogate their legal responsibility nor surrender their authority. While many groups and individuals are attempting to undermine this authority, few are willing to accept the responsibility." This, in Hines view, gives some measure of guarantee that students will be represented in the years ahead by school boards. He stressed: "School boards must get off the defensive and on the offensive. We must start letting everyone know that we represent the interest of the recipients of public education. We must set goals and objectives that clearly show this interest."



At left Paul Kennedy with John Carey

Who's Who Among the Speakers

Paul Simon - born in Eugene, Oregon. University of Oregon; Dana College, Nebraska. Former editor-publisher of the Troy Tribune and a chain of 14 weeklies. Served in the U.S. Army Counter Intelligence Corps 1951-53. Served in the Illinois House of Representatives 1954-1962; in Illinois Senate, 1962-68; Illinois Lieutenant Governor, 1969-1973. Elected to 94th Congress House of Representatives, 24th District, Illinois, in 1974. Currently serves on the House Committee on Education and Labor. Taught at Sangamon State University, Springfield, Illinois 1972-73, and JFK Institute of Politics, Harvard, 1973. Has authored four books; holds six honorary doctorates.

Martin H. Gerry - born in San Francisco. BA, 1964, and law degree, 1967, Stanford University. Practicing attorney, New York City, 1967-69. Named confidential assistant to secretary HEW, 1969. Served as assistant director for Policy, Planning, Program Development, OCR, 1972-74. Appointed deputy director, OCR, 1974; director, 1975. Has published several articles.

Frederick J. Weintraub - Shippensburg State College, Pennsylvania; MA in special education, Trenton State College, New Jersey. Served while a graduate student as an intern in mental retardation under Lindsay administration in New York City. He has held several positions in teaching and school administration, and has served as consultant on special education to federal, state, and local governments. He is presently Assistant Executive Director for Governmental Relations, Council for Exceptional Children, Reston, Virginia. Has published numerous articles pertaining to handicapped children.

Bernard C. Watson - BA, Indiana University; MA, University of Illinois; PhD, University of Chicago; post-doctoral work at Harvard University. Spent several years in schools of Gary, Indiana, as a teacher, counselor, department chairman, and principal. Served as deputy superintendent for planning, Philadelphia School District. Appointed by President Johnson to the National Advisory Council on Education Professions Development, 1967. Served as director of the Recruitment Leadership Training Institute for Office of Education, 1970-73; project director for National Policy Conference on Education for Blacks, 1972. He is at present professor and chairman of the Department of Urban Education, and professor of Social Foundations, Temple University, Philadelphia; visiting professor at the University of Pennsylvania; associate in education at Harvard University. Current responsibilities include chairmanship of the National Urban Coalition's Education Task Force; National Advisory Council on Education of the National Urban League; co-chairman of Greater Philadelphia Partnership. Has authored several books, and numerous booklets, articles, and monographs.

David H. Lissy - BA and law degree, University of Pennsylvania. Served as senior special assistant to Secretary of State, 1972-73. Executive secretary, HEW, 1973-75. Served as a member of the Board of Foreign Scholarships, 1974-75. Named associate director of the Domestic Council, the White House, September 1975.

Carl R. Hines - Born in Louisville, Kentucky. BS, University of Louisville; currently attends University of Louisville Law School. Served in the Air Force during Korean War. Served as member of the district lines subcommittee of the Charter Committee for the merger of Louisville and Jefferson County

Schools. Has held numerous posts, notably chairman of the Shawnee District of Boy Scouts of America; president of the Just Men's Civic and Social Club; executive secretary and member of the Louisville and Jefferson County Community Action Commission. Appointed to Louisville Board of Education 1968, reelected in 1968 and 1972. He presently serves as a member of the Federal Relations Network of NSBA; a director of the National Caucus of Black School Board Members and its chairman for the State of Kentucky; executive director of Housing Opportunity Centers, Inc.

Jean Dye - Has 175 years aggregate of raising six children; local, state, and national PTA experience; participation with many educational groups, agencies, state departments, and legislatures. Presently serves as coordinator of legislative activity, National Congress of Parents and Teachers.

Among the registrants. . .

REGISTRANTS

ALABAMA

Birmingham Public School System
Collins, Bettye F., board member
Mitchell, Ossie Ware, vice-president

CALIFORNIA

Long Beach Unified School District
Hinze, Vernon, superintendent of schools
Oakland Unified School District
Hilburn, Barney, E., board member
San Diego Unified School District
Edmiston, Dorothea, president
Smith, George W., vice president
(President, NSBA)
San Jose Unified School District
Geier, Neil H., Jr., trustee
(Steering Committee, NSBA Council of Big City Boards)

COLORADO

Denver Public Schools
Bailey, James, Federal Liaison
Rockwell, Virginia, board member
Schomp, Katherine W., board member
Education Commission of the States, Denver
Elseroad, Homer O., Director, Elementary-Secondary Education

FLORIDA

Dade County Public Schools, Miami
Beckham, Ethel, vice-chairwoman
Braddock, G. Holmes, board member

ILLINOIS

Chicago Public Schools
Carey, Jack, president
McGee, Henry W., board member
Velasquez, Carmen, board member

KANSAS

Unified School District No. 259, Sedgwick County, Wichita
Brown, Jo, board member
(Immediate past chairperson, Steering Committee, NSBA Council of Big City Boards)

KENTUCKY

Jefferson County School District, Louisville
Hines, Carl R., board member
Hutto, Carolyn G., board member
Summers, William E., III, board member

MARYLAND

Baltimore City Public Schools
Marshall, Howard E., board member
McCrea, Grover L., Jr., board member
(Steering Committee, NSBA Council of Big City Boards)
National Committee for Citizens in Education, Columbia
Kuykendall, Crystal, Director, Citizens Training Institute

MASSACHUSETTS

Boston Public Schools
Palladino, Elvira Pixie, board member
Reveliotis, Anne, assistant

MICHIGAN

School District of the City of Detroit
Bell, George, board member

MINNESOTA

Independent School District No. 625, St. Paul
Carroll, Rosilyn, board member
Griffin, James, board member
Lowe, Robert D., Sr., treasurer, board of education
Magnuson, William, board member
Park, Gary, asst. to supt. for legislative affairs
Weber, Eleanor, clerk, board of education
Young, George P., superintendent of schools

MISSOURI

School District of Kansas City
Blond, Anne B., board member
Donadonna, James Pl, board member
Daniels, Fletcher, board member
Lyddon, James H., president
Stark, Joyce, board member
St. Louis Public Schools
Harris, Charles R., board member

NEBRASKA

School District of Omaha No. 1
Andrews, Don, administrator

Kennedy, Paul C., board member

NEW JERSEY

Newark School District
Donaldson, Vickie, board member
(Steering Committee, NSBA Council of Big City Boards)
Means, Fred, board member
Petti, Michael A., board member
New Jersey School Boards Association, Trenton
Henderson, Thomas V., Urban Boards Field Service Representative
Roselle School District
Kearney, Annette, board member

OHIO

Cleveland City School District
Palmer, Berthina E., board member
Columbus Public Schools
Castleman, Marie, board member
Dayton City Schools
Lucas, L.A., board member
Toledo Public Schools
Foster, Edward S., Jr., board member
Guilford, Jerome, director, Title I-ESEA

OKLAHOMA

Oklahoma City Public School District 1-89
English, Paul, board member
(Chairman, Steering Committee, NSBA Council of Big City Boards)
Independent School District No. 1, Tulsa County, Tulsa
Kruse, Roger, director, federal projects
Warner, Mary, board member
(Steering Committee, NSBA Council of Big City Boards)

OREGON

Portland School District No. 1
Clemans, Charles, director, intergovernmental relations
McElroy, Donald D., deputy superintendent, administration and planning
Weiner, Phyllis, board member
York, Beverly Anne, board member

PENNSYLVANIA

Pennslyvania School Boards Association, Harrisburg
Seelinger, John, assistant director

TEXAS

El Paso Independent School District
Montez, Javier, board member
(Steering Committee, NSBA Council of Big City Boards)

Fort Worth Independent School District
Trimble, Green B., board member
Turner, Jack L., board member
Houston Independent School District
Clifton, Ruby, assistant superintendent, board services

WASHINGTON

Seattle School District No. 1
Bleakney, Cheryl, president
Sutton, Patt, board member

WISCONSIN

Milwaukee Public Schools
Busalacchi, Anthony, board member
O'Connell, Donald J., president

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Nicholas Maravel, Office of Federal Relations

NEW LONDON, CT

Kay Kouroupas, Technical Editor, Consulting Services Department

At left Jeremiah Floyd with Paul Simon